

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

GEORGE MASON,

Plaintiff,

v.

**AMERICAN INTERNATIONAL GROUP, INC.;
et al.,**

Defendants.

CIVIL ACTION NO. 3:05-cv-752-F

MOTION TO SUBSTITUTE EXHIBIT

COME NOW Defendants American General Financial Services of Alabama, Inc. (improperly designated as American General Finance Inc. in the complaint) ("American General"), as successor to American General Finance, Inc., Merit Life Insurance Company, and Yosemite Insurance Company (hereinafter collectively referred to as "Defendants"), by and through their undersigned counsel, appearing specially so as to preserve any and all defenses available under Rule 12 of the Federal Rules of Civil Procedure and specifically preserving the right to seek arbitration pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1, *et seq.*, and hereby moves this Court to substitute the Affidavit of Robert S. Ritter attached as Exhibit D to the Memorandum Of Law In Support Of Defendants' Motion for an Extension of Time to Respond to Plaintiff's Motion to Remand for the Purpose of Conducting Remand-Related Discovery. As grounds for this Motion, the Defendant shows the following:

On September 22, 2005, American General forwarded to the Court a Memorandum Of Law In Support of Defendants' Motion for an Extension of Time to Respond to Plaintiff's Motion to Remand for the Purpose of Conducting Remand-Related Discovery. An incorrect

Affidavit of Robert S. Ritter was erroneously attached to this Memorandum as Exhibit D. Defendant American General would like to substitute the original Exhibit D with the correct Affidavit of Robert S. Ritter attached herewith.

WEREFORE, PREMISES CONSIDERED, American General respectfully requests that the notarized Affidavit of Robert S. Ritter be substituted for the affidavit previously attached as Exhibit D to the Memorandum In Law In Support of Defendants' Motion for an Extension of Time to Respond to Plaintiff's Motion to Remand for the Purpose of Conducting Remand-Related Discovery.

Respectfully submitted,

s/ Matthew T. Mitchell

Robert H. Rutherford (RUT002)

David A. Elliott (ELL027)

Matthew T. Mitchell (MIT050)

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2005, I electronically filed the foregoing Motion To Substitute Exhibit with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Jere L. Beasley, Thomas Julian Butler, Charles Lance Gould, Jeffrey M. Grantham, John Thomas Aquina Malatesta, III, Thomas J. Methvin, David Alan Elliott, Matthew T. Mitchell and Robert Howard Rutherford.

w/ Matthew T. Mitchell
OF COUNSEL